

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Authorize Release of the Right-of-Way Utilization Permit Maintenance Bond for Rinehart Road Right-of-Way – David Maus Toyota

DEPARTMENT: Planning and Development **DIVISION:** Development Review

AUTHORIZED BY: Dori DeBord

CONTACT: Larry Poliner

EXT: 7318

MOTION/RECOMMENDATION:

Authorize the release of the Rinehart Road Right-of-Way (ROW) - David Maus Toyota Right-of-Way Utilization Permit Maintenance Bond #104675286 in the amount of \$7,406.96 for the Rinehart Road ROW - David Maus Toyota road improvements.

District 5 Brenda Carey

Larry Poliner

BACKGROUND:

Section 35.44 (e) of the Seminole County Land Development Code, concerning Additional Required Legal Submittals, required the Rinehart Road Right-of-Way – David Maus Toyota project to have a Right-of-Way Utilization Permit Maintenance Bond, specifically, Maintenance Bond #104675286 for \$7,406.96 (Travelers Casualty and Surety Company of America), to insure any significant degradation in operating conditions resulting from any defective work covered by this bond. Staff conducted a two year maintenance inspection for this project located at 1160 Rinehart Road and determined the project to be satisfactory.

STAFF RECOMMENDATION:

Staff recommends the Board authorize the release of the Rinehart Road Right-of-Way (ROW) –David Maus Toyota Right-of-Way Utilization Permit Maintenance Bond #104675286 in the amount of \$7,406.96 for the Rinehart Road ROW – David Maus Toyota road improvements.

ATTACHMENTS:

1. Maintenance Bond
2. Power of Attorney
3. Request Letter

Additionally Reviewed By:

☒ County Attorney Review (David Shields)

RIGHT-OF-WAY USE PERMITTING
RIGHT-OF-WAY UTILIZATION PERMIT
MAINTENANCE BOND
(Streets, Curbs, Storm Drains)

Bond # 104675286

KNOW ALL MEN BY THESE PRESENTS:

That we David Maus Toyota, whose address is 1160 Rinehart Road, Sanford, FL 32771, hereinafter referred to as "PRINCIPAL" and Travelers Casualty and Surety Company of America hereinafter referred to as "SURETY" are held and firmly bound unto Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771. hereinafter referred to as the COUNTY in the sum of \$ 7 406.96 for the payment of which we bind ourselves, heirs, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, PRINCIPAL has constructed certain improvements, including streets, curbs, storm drains and other appurtenances in that certain public right-of-way known as Rinehart Road Turn Lane Improvements recorded in Plat Book 47, Page(s) 8-10, Public Records of Seminole County, Florida; and

WHEREAS, the aforesaid improvements were made pursuant to certain plans and specifications dated December 9,, 2004, and filed with the County Engineer of Seminole County; and

WHEREAS, PRINCIPAL is obligated to protect the COUNTY against any defects resulting from faulty materials or workmanship of said improvements for a period of two (2) years from April 21, 2006

NOW, THEREFORE, the condition of this obligation is such that if PRINCIPAL shall promptly and faithfully protect the COUNTY against any defects resulting from faulty materials or workmanship of the aforesaid improvements for a period of (2) years from _____, 19____, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

The County Engineer shall notify the PRINCIPAL in writing of any defect for which the PRINCIPAL is responsible and shall specify in uric! notice a reasonable period of time within which PRINCIPAL shall have to correct said defect.

The SURETY unconditionally covenants and agrees that if the PRINCIPAL fails to perform, within the time specified, the SURETY, upon 30 days written notice from COUNTY, or its authorized agent or officer, of the default will forthwith correct such defect or defects and pay the cost thereof, including, but not limited to engineering, legal and contingent cost. Should the SURETY fail or refuse to correct said defects, the COUNTY, in view of the public interest, health, safety, welfare and factors involvtd, and the consideration in approving the said permit shall have the right to resort to any and all legal remedies against the PRINCIPAL and SURETY and either, both at law and in equity, including specifically, specific performance to which the PRINCIPAL and SURETY unconditionally agree.

LAND DEVELOPMENT CODE

The PRINCIPAL and SURETY further jointly and severally agree that the COUNTY at its option, shall have the right to correct said defects resulting from faulty materials or workmanship, at, pursuant to public advertisement and receipt of bids, caused to be corrected any defects or said defects in case the PRINCIPAL shall fail or refuse to do so, and in the event the COUNTY should exercise said give effect to such right, the PRINCIPAL and the SURETY shall be jointly and severally hereunder to reimburse the COUNTY the total cost thereof, including, but not limited to, engineering, legal and contingent cost, together with any damages either direct or consequent which may be sustained on account of the failure of the PRINCIPAL to correct said defects.

IN WITNESS WHEREOF, the PRINCIPAL and the SURETY have executed there presents this 17th day of April, XX 2006.

Address:

David Maus Toyota (SEAL)
PRINCIPAL

By: [Signature] Its: VP
(If a Corporation)

ATTEST: [Signature] Its: Controller, Sec
(If a Corporation)

Address:

Travelers Casualty and Surety Company of America (SEAL)
SURETY

700 N. Central Avenue #800
Glendale, CA 91203

By: Maryann Carafello Its: [Signature]
Its Attorney-in-Fact
Maryann Carafello

ATTEST: Brendy Bach
Witness

(App E, LDC, through Supp 16).

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAWLERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and **FARMINGTON** CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Maryann Carafello, Thomas O. Wilder, Terry Crull, David G. Jensen, Brandy L. Baich, of Phoenix, Arizona, their true and lawful **Attorney(s)-in-Fact**, with full power and authority hereby **conferred** to sign, execute and acknowledge, at any place **within** the United States, the following **instrument(s)**: by **his/her** sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as **if** the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force **and** effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional **undertaking**, and any of said **officers** or the Board of Directors at any **time** may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice **Chairman**, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more **officers** or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the **office** of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company **officers** pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and **by** authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY **AND** SURETY **COMPANY** OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force **and** effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be **affixed** by facsimile to any **power** of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for **purposes** only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed **and** **certified** by such **facsimile** signature and facsimile seal shall be valid and binding upon the Company in the **future** with respect to any bond or **undertaking** to which it is attached.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 31st day of January, 2003.

STATE OF CONNECTICUT

} SS. Hartford

COUNTY OF HARTFORD



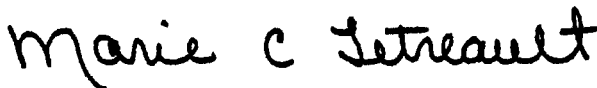
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY

By 

George W. Thompson
Senior Vice President

On this 31st day of January, 2003 before me personally came **GEORGE W. THOMPSON** to me known, who, being by me duly sworn, did depose and say: that hdshe is Senior Vice President of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY** and **FARMINGTON CASUALTY COMPANY**, the corporations described in and which executed the above instrument; that hdshe knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that hdshe executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.





My commission expires June 30, 2006 Notary Public
Marie C. Tetreault

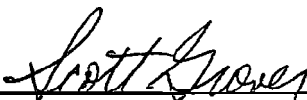
CERTIFICATE

I, the undersigned, Vice President, Bond of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY** and **FARMINGTON CASUALTY COMPANY**, stock corporations of the State of Connecticut, DO **HEREBY CERTIFY** that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 17th day of

April, 2006



By 
Scott Grover
Vice President, Bond



www.davidmaustoyota.com

April 7, 2008

BeJay Harbin
1301 E 2nd Street
Sanford, FL 32771

RE: Release of bond for Public Road Maintenance Agreement


Project Name: Rinehart Road ROW/David Maus Toyota
Bond #: 104675286
Bond Amount: \$7406.96
District #: 5

Dear BeJay Harbin:

This letter is a request for the release of the bond named above. Per a letter issued by the Planning and Development Department, there were no deficiencies found on the project upon re-inspection on 3/18/2008.

If you should have any further questions, please do not hesitate to contact me at (407) 302-8800.

Sincerely,



Larry Barnes
David Maus Toyota